

full democratic rule. The ministers agreed that Pakistan should remain suspended from the councils of the Commonwealth pending the restoration of democracy.

On August 21, Commonwealth Secretary General Don McKinnon met with President Musharraf in Islamabad to discuss plans to restore democracy by October 2002. He also met with politicians from the disbanded parliament.

## Japan

On October 26, Japan joined the E.U., the U.S., and Canada, and lifted economic sanctions against Pakistan. Japan had frozen new grants and loans, except for humanitarian aid, to Pakistan since the country conducted nuclear tests in 1998.

In September, Tokyo announced it would consider rescheduling some of Pakistan's \$500 million debt and offered U.S. \$40 million in emergency aid for Pakistan including assistance for refugees. Prior to September 11, Japan had decided to give more than U.S. \$70 million in Official Development Assistance (ODA) in the form of grants and soft loans for various health, education, and communication projects.

Foreign Minister Makiko Tanaka met President Musharraf in Islamabad in late November to express support for Pakistan's counter-terrorism efforts and invited him to Tokyo for the ministerial conference on Afghanistan's reconstruction scheduled for early 2002. Tanaka also pledged an additional U.S. \$300 million in grant aid to Pakistan over the next two years.

## International Financial Institutions

The World Bank on October 24 approved a U.S. \$300 million loan to promote privatized banking, and planned to provide additional assistance bringing the total for fiscal year 2002 to about \$600 million. The Asian Development Bank announced plans to give Pakistan a total of U.S. \$950 million in 2001, increased from \$626 million planned prior to September 11. In late October, the U.S. was negotiating with the International Monetary Fund for a line of credit for Pakistan of up to U.S. \$1 billion. On October 24, the Islamic Development Bank approved U.S. \$25 million to help finance imports of energy products.

## Relevant Human Rights Watch Reports:

*The Crisis of Impunity: The Role of Pakistan, Russia, and Iran in Fueling the Civil War, 7/01*

## SRI LANKA

**T**he year was marked by prolonged political infighting in Colombo, renewed clashes between Sri Lankan military forces and the armed separatist Liber-

ation Tigers of Tamil Eelam (the “Tamil Tigers” or LTTE), and stalled peace initiatives. By early November, with the political fate of the People’s Alliance government in question and new parliamentary elections called for December 5, pressing human rights problems had again been pushed off the top of the government’s agenda.

Renewed fighting in the war, which since 1983 has claimed more than 60,000 lives, left hundreds of civilians dead, many more injured, and thousands newly displaced from their homes. Both the government and LTTE were responsible for serious abuses, including indiscriminate suicide bombings by the LTTE and torture and “disappearances” by government security forces and affiliated paramilitaries. Norway’s efforts to bring the two sides to the negotiating table continued until June when the process appeared to stall; no formal talks took place during 2001. Although the government appeared more ready than in previous years to acknowledge past abuses and there was progress in a few specific cases, impunity remained the norm. Draconian security laws continued to facilitate arbitrary arrest, lengthy detention of suspects without trial, and attendant abuses. Restrictions in the north and east, disproportionately affecting Tamil civilians, prevented many displaced persons from reaching work sites to earn a living, attend schools, or seek urgent medical care.

## **HUMAN RIGHTS DEVELOPMENTS**

On April 24, LTTE leader Velupillai Prabhakaran announced the end of a five-month unilateral cease-fire, saying that the government had not reciprocated. Within hours of the cease-fire’s end, the Sri Lanka army launched Operation Agni Khiela (“fire ball”) seeking to extend its control over the Jaffna peninsula. The army sustained heavy losses. Civilians, caught in the middle of the conflict, faced renewed hardships.

Increased fighting meant renewed displacement. At the end of April, for example, government aerial attacks on the Jaffna peninsula caused some 5,000 civilians to flee from their homes in Pooneryn north, adding to the estimated 800,000 internally displaced people (IDPs) island-wide. Reports of “disappearances” continued to emerge, including one in July that two youths had “disappeared” after being questioned by members of the People’s Liberation Organization of Tamil Eelam (PLOTE), which is paid and armed by the government.

New cases of torture were also reported. In January, Sri Lankan Human Rights Commission (HRC) officials reported that anti-terrorism police held Jaffna-based journalist Nadarajah Thiruchelvam in incommunicado detention, beat him with metal pipes, and kept him handcuffed in solitary confinement for twelve days before HRC officials were permitted to visit him. In October, the Hong Kong-based Asian Human Rights Commission reported the torture of Namal Fernando, a social worker, who had been threatened and pistol-whipped by police after being taken from his home near Colombo on October 6. He was reportedly forced to sign a confession, but then was released without charge the following day. His arrest was apparently a case of mistaken identity.

Although fighting was heaviest in the north, civilians were also reported killed and wounded in military operations against LTTE positions in the east, although most accounts were insufficiently detailed to determine if the deaths were avoidable or due to violations of international humanitarian law. Most deaths and injuries in eastern Sri Lanka occurred around Batticaloa, Velaichenai, and in Muttur, south of Trincomalee. In November 2000, homes were reported damaged, a two-year-old child killed, and twelve others injured during army and police shelling north of Batticaloa. Again in late April, eight villagers were reported injured in artillery fire across the Batticaloa lagoon. Three civilians were killed and more than twenty injured in separate incidents in the Velaichenai area in June and July; the army acknowledged two civilian deaths and seven injuries during the July 30 assault.

For its part, the LTTE continued to be responsible for or implicated in serious abuses. On November 7, 2000, newly elected Tamil United Liberation Front (TULF) member of parliament Nirmalan Soundaranayagam was assassinated near Batticaloa. Although his assailant was never identified, the LTTE, believed to have been responsible for the assassination of several other TULF members in previous years, including human rights advocate Neelan Thiruchelvam in July 1999, was the prime suspect.

In April 2001, there were reports that the LTTE had executed three men, M. Kamalanathan, Xavier Albert, and S. Thillainayagam after charging them with murder and rape. On April 24, LTTE members reportedly abducted two Muslim civilians near Velaichenai and held them for ransom. Four workers in a prawn farm and a rice mill from the same area were abducted for ransom on June 1. On May 2, LTTE members and local thugs reportedly killed Sivanesarajah, a young minister for a local church group of the Assembly of God near Vakarakai. The human rights organization University Teachers for Human Rights (UTHR) said that the church's emphasis on pacifism had been viewed as a threat to LTTE recruitment.

In July, the United Nations Children's Fund (UNICEF) accused the LTTE of continuing to recruit and deploy child soldiers, some of them as young as twelve. Monitors in the north and east reported a sharp increase in conscription of children by the LTTE through October and said the LTTE had resorted to extortion and threats to families to comply. In an article published September 4, LTTE Batticaloa and Amparai district political leader Karikalan told the Tamil press that a recruitment drive in eastern areas was attracting "large numbers of youth, male and female" and praised parents for bringing their children to enlist. He rejected accusations that the recruitment was forced.

On July 24, the LTTE attacked Katunayake air force base and Colombo's Bandaranaike International Airport, destroying military aircraft and passenger jets. Two civilians, seven security personnel, and fourteen LTTE members were killed. The attack on Sri Lanka's only international airport was both a political and financial blow. It reduced the country's commercial fleet by half, drove up exporters' insurance premiums and damaged tourism.

On October 30, Prime Minister Ratnasiri Wickramanayake narrowly escaped a suicide bombing in Colombo that claimed the lives of three civilians and a police officer and injured many others. On November 15, three former members of a paramilitary group working with a Sri Lankan army intelligence unit were killed

and another wounded by a suicide bomber in Batticaloa; one civilian was also killed and eight injured in the attack. The LTTE was suspected in both attacks.

Arbitrary detention and mistreatment of prisoners by police and security forces remained common. A report by human rights lawyer N. Kandasamy indicated that some 18,000 people may have been arrested under emergency regulations and the Prevention of Terrorism Act from January to November 2000. The vast majority were Tamil, some of whom were ordered detained without trial for more than two years. Often the only evidence against them was a confession extracted under torture. Although many such cases were thrown out by courts in 2001 and some torture victims won court-ordered compensation, cases continued to take years to make their way through the court system. Deaths in custody in 2001 included that of Kandaiah Uthayakumar, suspected of smuggling banned commodities in the northern town of Mannar, who died on February 28 after arrest by Navy personnel. His children, who witnessed the arrest, said he had been beaten and strangled by the arresting officers. In late March, a Mannar district judge ordered two naval personnel detained pending investigation.

Government efforts to stem custodial abuse included a new emergency regulation promulgated in May requiring detention centers to provide district courts with a list of all persons in custody every two weeks. Earlier, the government had established a police unit and special committee under the Justice Ministry to investigate complaints of illegal detention and harassment by police and armed forces, and to accelerate the release of victims.

Sexual violence against women by security forces attracted new attention in 2001. The premeditated gang-rape on June 24 of a twenty-eight year old Tamil woman in Colombo by police and army personnel at a security checkpoint sparked widespread protests by Tamil and Muslim political parties and women's rights organizations, and a general strike by shop owners in the north and east on July 6. In the media storm that followed, several other custodial rape cases received new scrutiny and at least one victim of grave sexual abuse was ordered released from custody. Prosecutions in older cases stalled because witnesses were afraid to testify, or, as in the case of Ida Carmelita, raped and murdered in Mannar in July 1999, proceeded extremely slowly.

Pressure on medical officials to cover up evidence of custodial mistreatment was suggested in another case of sexual abuse — the March 19 gang rape and sexual torture by police and naval personnel of two women who had been arrested by anti-subversion police in Mannar. The initial report of the district medical officer concluded there were no signs of mistreatment. After the women's complaints were made public, a second examination was ordered about a week later, the second doctor concluding that the women had been tortured and raped.

Police and military personnel were rarely punished for mistreatment of detainees or failing to abide by legally mandated procedures, such as notifying the HRC of arrests and notifying family members when individuals were detained under special security legislation. No one had been convicted for the crime of torture since Sri Lanka ratified the U.N. Convention Against Torture in 1994 and introduced domestic legislation mandating a seven-year minimum sentence for torture. According to the Attorney General's Office, several prosecutions were pending.

Sri Lankan authorities appeared more willing than in past years to acknowledge official responsibility for atrocities. On January 31, Sri Lankan army personnel in Batticaloa publicly acknowledged their role in large-scale massacres of civilians in the east, mentioning notorious attacks in Kokkaddicholai, Sathurukkondaan, Vanthaarumoolai, and Batticaloa. In February, the attorney general reportedly issued indictments against more than six hundred police and armed forces personnel implicated in “disappearances” that occurred before 1994—many in connection with counterinsurgency operations against the Janatha Vimukthi Peramuna (JVP) organization. On June 28, two soldiers were sentenced to six years in prison and fined Rs. 2,500 (U.S. \$27) each for their role in an abduction and murder in 1989.

On March 12, President Chandrika Kumaratunga appointed Justice P.H.K. Kulatilaka to investigate the October 2000 massacre of some twenty-seven youths in the Bindunuwewa Rehabilitation camp. The dead included individuals being held under the Prevention of Terrorism Act and LTTE members, some in their early teens, who had surrendered to authorities. On June 28, the attorney general reported that forty-three suspects had been arrested in connection with the killings. In July, President Kumaratunga announced the formation of a three-member “truth commission” to investigate incidents of ethnic violence between 1981 and 1984, including anti-Tamil riots in July 1983 that killed nearly six hundred people.

Progress was halting or nonexistent in many high profile cases. Some cases were slowed partly by defendants’ petitions to move cases out of the north and east for security reasons, including the Mirusuvil massacre case, in which fourteen soldiers were accused of having tortured and murdered Tamil civilians in northern Jaffna in December 2000. In 2001, the case was transferred out of the district to the Anuradhapura District Court. Similarly, while proceedings continued in the trial of soldiers accused of the 1992 massacre of thirty-five Tamil civilians in the eastern village of Mailanthani, the case continued to move slowly following its transfer in 1996 to Colombo, far from key civilian witnesses. The case of five security personnel arrested in connection with the 1999 discovery of fifteen skeletons in Chemmani, thought to be those of persons “disappeared” by the army in 1996, also made little progress.

Official restrictions on war reporting, including provisions imposed in 2000, were relaxed in May 2001, but restrictions on access to areas under LTTE control remained a serious impediment to accurate reporting on the human rights situation in conflict areas. In April, journalist Marie Colvin, writing for the London *Sunday Times* was shot and seriously injured when she defied a government ban on travel to LTTE controlled areas and crossed the line of fire. Certain Sri Lankan journalists also faced arrest, intimidation, and physical threats. The risks were particularly acute for correspondents in the north and east and those covering political events. Between October 2000 and November 2001, one Jaffna-based journalist was killed and at least five others based in the northeast were arrested or threatened by the security forces.

Criminal extortion rings linked to political forces were blamed for increased communal tension in central and eastern Sri Lanka. In May, two people were killed and a large number of shops destroyed when Sinhalese mobs attacked Muslims demonstrators. The demonstrators had been protesting police inaction after thugs with alleged ruling party links publicly tortured a Muslim shopkeeper who

had refused to pay protection money. Demonstrations—some violent—spread to Colombo. The government invoked a curfew to prevent further violence and appointed a commission of inquiry. In September Muslim businessmen in the eastern town of Muttur demonstrated against an extortion racket allegedly run by the LTTE. The LTTE reportedly retaliated by burning a passenger ferry providing transport to the area and threatened mortar attacks if demonstrations continued.

Violence continued to plague the political process in the lead-up to parliamentary elections scheduled for December 5. As of November 21, the Police Elections Secretariat said it had received 1028 election-related complaints of violence, including three murders.

## **DEFENDING HUMAN RIGHTS**

Human rights defenders in the capital, Colombo, operated in relative freedom, but individuals and organizations in the north and east faced serious pressure from state forces, armed paramilitary groups, and the LTTE. In some cases, human rights defenders in the east asked that the details of threats made against them—particularly those made by LTTE members and paramilitaries—be kept confidential out of fear of retaliation.

Journalists (see above) and humanitarian aid workers were also attacked. Unknown assailants threw two grenades at the Colombo office of Oxfam in late January and three at the International Committee of the Red Cross (ICRC) office in Muttur on September 6. Although buildings and other properties were damaged, no one was injured in either attack.

Local human rights organizations strongly advocated an end to official impunity and custodial abuse, including violence against women. Sri Lankan human defenders denounced political violence locally, but were also active in international fora in events leading up to the Durban World Conference Against Racism and in the global campaign against the use of child soldiers.

In 2001, rights activists joined academics and other private citizens in Sri Lanka's growing peace movement in denouncing the government's ban on the LTTE and calling on the LTTE and government to commence negotiations. Sri Lanka's flagging business climate, particularly in the wake of the LTTE's attack on Sri Lanka's only international airport, also drove business leaders to renew private efforts to end the war. The Society for Love and Understanding, founded by Ceylinco group chairman Lalith Kotelawala, notified political leaders that it intended to open a dialogue with the LTTE. In September, representatives of more than a dozen of top national business groups and advertising agencies initiated a "Sri Lanka First" campaign advocating civil action to end the war.

Human rights defenders continued to express concern about the work of the HRC, particularly in relation to custodial abuse of detainees. Although HRC officers visited registered places of detention, critics said the commission needed to make more regular visits to prevent abuses. Five years after its establishment, the HRC still had no access to any unregistered place of detention or authority over

paramilitary groups, and security forces often failed to report arrests and detentions to the commission as required by law.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The European Union, India, Japan, and the United States strongly supported Norway's efforts to facilitate talks between the Sri Lankan government and the LTTE, and rejected the idea of an independent Tamil state. Many countries, particularly Sri Lanka's donors, criticized human rights and international humanitarian law violations by government forces and the LTTE. Donors also called for greater transparency in the government's financial management and criticized increased military spending and the apparent erosion of democratic structures.

### **Sri Lanka Development Forum**

After political instability delayed the meeting for more than two years, the Sri Lanka Development Forum, a consortium of Sri Lanka's donors convened by the World Bank, met in Paris on December 18-19, 2000 to discuss assistance plans for Sri Lanka. In 1997, Sri Lanka received U.S. \$860 million in assistance from donors; it received another \$780 million in 1998. But at the December 2000 meeting donors refused to pledge new assistance, calling instead for the government to take concrete steps to end the war with the LTTE, speed up restructuring of the public sector, and account for previous assistance. Donors expressed special concern over the country's disproportionately high level of military expenditure and political interference in development and relief initiatives.

World Bank Vice President for South Asia Mieko Nishimizu described Sri Lanka as a country "in deep crisis, public institutions are politicized, politicians are not accountable, people are not heard and they are isolated." She noted links between poverty, war, and governance problems in the country, and suggested that progress on these fronts would be necessary before development partners would provide additional support.

The European Union emphasized the need for a negotiated end to the war, economic restructuring, and transparency. It made a special call for accountability in the Bindunuwewa rehabilitation camp massacre case. The E.U. cautioned that Sri Lanka's large military budget was jeopardizing the country's development. In 2000, the defense budget consumed about 36 percent of government income or 6 percent of Sri Lanka's GDP. Defense expenditure rose by almost \$300 million after the government made additional arms purchases following military defeats in April and May 1999. In 2001, Sri Lanka purchased arms from Israel (the Israeli defense ministry sent a delegation to Colombo in August), the Czech Republic (\$2.5 million in tanks, rocket launchers, and other military vehicles), and other countries.

### **United Kingdom**

On February 28, in spite of heavy lobbying by Tamil groups, the LTTE was

included on the list of 21 banned organizations proscribed under the U.K.'s Terrorism Act 2000, making it illegal to belong to, support, or raise funds for the LTTE.

### **United States**

Ambassador Ashley Wills outlined the U.S. position on Sri Lanka in a speech in Jaffna on March 7. He said that the U.S. supported an end to the war—"the sooner the better"—and rejected the possibility of a military solution. The U.S. favored a negotiated settlement and supported Norway's efforts to facilitate talks. Wills rejected "the idea of an independent state carved out of Sri Lankan territory" and the LTTE as sole representative of Tamils in Sri Lanka. He acknowledged complaints of discrimination against Tamils in Sri Lanka, saying Tamils must be treated "equally, respectfully and with dignity" within a democratic state. Wills said the U.S. would reconsider its ban on the LTTE if it renounced violence, embraced democratic principles, and entered into negotiations to end the war.

The U.S. continued to provide economic support funds (ESF) for development as well as international military education and training (IMET). The Bush administration requested \$3 million in ESF and \$275,000 for IMET in fiscal year 2002, the latter a \$30,000 increase over the previous year.

### **United Nations**

U.N. agencies, including UNICEF, criticized the LTTE's continued recruitment of child soldiers. U.N. Secretary-General Kofi Annan, in a September report to the U.N. Security Council noted that, despite LTTE commitments, children "continued to be targeted in the ongoing conflict of Sri Lanka." Annan noted that the Sri Lankan government was one of only two to set the minimum age for voluntary enlistment at eighteen and acknowledged efforts in the country to demobilize child soldiers, but said prevention of recruitment and re-enlistment was an overwhelming concern. He stressed the need for adequate resources, structures, and programs to ensure successful reintegration into society of demobilized children.

Hoping to help revive agriculture in Sri Lanka's war-torn north and east, the World Bank in September announced plans to fund renewed U.N. mine clearance efforts in the northern regions, where civilian casualty rates from mines are reported to be among the world's highest. The U.N. began its demining program in July 1999 but fighting in 2000 had halted operations.

## **VIETNAM**

**T**he government's human rights record took several major steps backward during 2001, with religious rights in particular coming under attack. Security forces arrested dozens of ethnic minority Montagnards in a heavy-handed